IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

-

WRIT PETITION NO : 12792 of 2004

Between:

1 Smt.N.Bujjamma W/o.N.Nagaraju
R/o.D.No.6-8-756/5/1, Sanjeevaiah
Nagar, Alipiri Road, Tirupathi, Chittoor District.
2 Smt.S.Mamatha W/o.S.Sambhasivaiah
R/o. D.No/6-78-756/7A, Sanjeevaiah Nagar Alipiri road,

Tirupathi Chittoor.

..... PETITIONER(S)

AND

1 The District Collector, Chittoor Chittoor District.
2 The Revenue Divisional Officer Tirupathi, Chittoor District.
3 The Mandal Revenue Officer, Tirupathi Urban Mandal,

Tirupathi Chittoor District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in threatening to dispossess and demolish the structures raised in premises bearing D.No.6-8-756/5/1 and 6.8.756/7A situated at Sanjeevaiah Nagar, Alipiri Road, Tirupathi belonging to the petitioners without

following the due process of Law as illegal, arbitrary and unjust.

Counsel for the Petitioners:MR.P.NAGESWARA RAO

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following ORDER:

Heard learned counsel appearing for the petitioners and learned Government Pleader for Revenue appearing for respondents.

The only grievance of the petitioners ventilated in the present writ petition is that the petitioners are in occupation of the area by constructing houses, which were allotted Door Nos.6-8-756/5/1 and 6-8-756/7A situated at Sanjeevaiah Nagar, Alipiri Road, Tirupati, since last 25 years. While so, the respondent authorities without following any procedure, are trying to dispossess them for widening of the road.

This Court in a catena of cases held that even an encroacher, who is living in the premises for a long time, is also entitled to a notice under the Land Encroachment Act or under the Municipalities Act as the case may be and only after the occupant is put on such a notice by following due procedure, he should be evicted from the suit schedule property.

In view of the same, the respondents without following the due procedure cannot dispossess the petitioners from the property in question. In other words, the respondents are at liberty to initiate proceedings either under the Land Encroachment Act or any other enactment for due eviction of the petitioners, if their occupation is unauthorized.

The writ petition is accordingly, disposed of. No costs.

22nd JULY, 2004.

Note: furnish c.c. by wire

at party's costs.

B/o

Kvni

To

1 The District Collector, Chittoor Chittoor District.
2 The Revenue Divisional Officer Tirupathi, Chittoor District.
3 The Mandal Revenue Officer, Tirupathi Urban Mandal,

Tirupathi Chittoor District.

4 Two CCs to the Government Pleader for Revenue, A.P.High Court Buildings, Hyderabad.

5 Two CD copies.